

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Defendant.

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and the Chapter 7
Estate of Bernard L. Madoff,

Plaintiff,

v.

UBS EUROPE SE, formerly known as UBS
Deutschland AG, as successor in interest to Dresdner
Bank Lateinamerika AG, and LGT BANK
(SWITZERLAND) LTD. as successor in interest to
Dresdner Bank (Schweiz) AG,

Defendants.

Adv. Pro. No. 08-01789 (CGM)

SIPA LIQUIDATION

(Substantively Consolidated)

Adv. Pro. No. 12-01577 (CGM)

**ORDER DENYING LGT BANK (SWITZERLAND) LTD.'S MOTION TO DISMISS
THE AMENDED COMPLAINT UNDER FEDERAL RULES OF CIVIL
PROCEDURE 12(b)(2) AND 12(b)(6)**

Defendant LGT Bank (Switzerland) Ltd. (“Defendant”) filed a Motion to Dismiss the
Trustee’s Amended Complaint under Federal Rules of Civil Procedure 12(b)(2) and 12(b)(6) (the
“Motion”) and supporting Memorandum of Law on September 15, 2022 (ECF Nos. 109–10). The

parties stipulated to rest on their papers and waive oral argument on the Motion on January 17, 2023 (ECF No. 130).

The Court has considered the Motion, the papers filed in support of and in opposition to the Motion, and the Amended Complaint. The Court issued a memorandum decision, dated February 28, 2023, regarding the Motion (the “Decision”) (ECF No. 139). Based on the record in this adversary proceeding, including the Decision, **IT IS ORDERED:**

1. The Motion to Dismiss the Trustee’s Amended Complaint is denied.
2. The deadline for the Defendant to file an answer to the Complaint is April 28, 2023.
3. The Court shall retain jurisdiction to implement or enforce this Order.

**Dated: March 14, 2023
Poughkeepsie, New York**



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/s/ Cecelia G. Morris

**Hon. Cecelia G. Morris
U.S. Bankruptcy Judge**